

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.1059 OF 2003**

The State of Maharashtra

...Appellant

vs.

Narayan Tukaram Hirve & Ors.

...Respondents

Mr.A.S.Shitole,A.P.P. for the Appellant-State

Mr.Milind Deshmukh for Respondent Nos.1 to 9.

**CORAM: A.S.OKA,J.
DATE : SEPTEMBER 8,2006.**

P.C.:

1. Heard learned A.P.P. for the Appellant. This Appeal is for enhancement of sentence. The learned Judicial Magistrate (First Class) after finding the Respondent guilty of offences punishable under sections 143,147, 148, 149, 323 and 324 of the Indian Penal Code has exercised power under section 360 of the Code of Criminal Procedure Code, 1973. The learned Trial Judge has referred to cross criminal case No.77 of 2001. The Advocate for the Respondents has produced for my perusal Judgment and Order dated 23rd May 2006 passed in the said cross complaint. In the said cross complaint, accused persons have been held guilty of the similar offences and in the said case also power under section 360 has been exercised. He states that no Appeal has been preferred by the State Government in the cross case.

2. After having heard the Advocates for the parties, I find no infirmity in the approach of the learned Trial Judge. As

the learned Trial Judge has acquitted the Respondents for offences under sections 504, 506 of the Indian Penal Code and considering the facts and circumstances of the case, he was justified for invoking section 360 of the Code of Criminal Procedure, 1973. There is no merit in the Appeal and the same is dismissed.

JUDGE